



ITW/1626

**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on

26 August 2009
HUESCHEN AND SAGE

G. Dittman Sage

Dated: 26 August 2009

IN THE UNITED STATES PATENT OFFICE

Applicants : Patrick WUTHRICH, Herve ROLLAND, and Marc JULIEN
Application No: 10/502,479
Filed : 23 July 2004
Title : ORODISPERSIBLE PHARMACEUTICAL COMPOSITION
COMPRISING PERINDOPRIL
Art Unit : 1626
Examiner : Melissa S. MERCIER, Esq.
Docket No. : SERVIER 427 PCT US

Mail Stop:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE UNDER 37 CFR § 1.111 AND 1.115

In response to the Office Communication of 13 August 2009, the applicant acknowledges the Office gracious invitation to more comprehensively respond to the provisional non-statutory obviousness-type double patenting rejections in view of copending US application Serial Nos. 10/502,593 and 10/502,594, as

well as the non-statutory obviousness-type double patenting rejection in view of US Patent No. 7,201,922.

The applicant observes that, in each instance, the Office acknowledges that the solid orodispersible composition disclosed differs from that claimed for describing a distinct active agent. As the different active agents exhibit distinct pharmacological activity, as well as side-effect and interaction profiles, it is submitted that the respective teachings are distinct in their own right and that one of ordinary skill in the art may not be expected to rely with any degree of certainty on such prior teaching in optimizing a formulation as described and claimed in the instant application. Reconsideration and withdrawal of such non-statutory obviousness-type double patenting rejections in view of the cited art are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
G. PATRICK SAGE (37,710)

Dated: 26 August 2009
Customer No.: 25,666
Seventh Floor, The Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, Michigan 49007
(269)382-0030

Enclosure: Return Postal Card Receipt.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.